

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: CLARK ET AL. Examiner: J. CHENG  
Serial No.: 10/690,122 Group Art Unit: 3713  
Filed: OCTOBER 20, 2003 Docket: 1165.54USC4  
Confirmation No.: 3630 Notice of Allow. Date: JULY 20, 2005  
Due Date: OCTOBER 20, 2005  
Title: DYNAMIC ON-LINE SCORING GUIDE AND METHOD

**CERTIFICATE UNDER 37 CFR 1.8:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on September 30, 2005.

By: 

Name: Kristine A. Wacek

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**23552**

PATENT TRADEMARK OFFICE

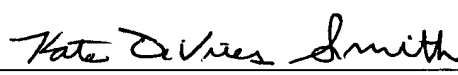
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Issue Fee Transmittal Part B (PTOL - 85)
- ☒ Check(s) in the amount of \$1,733.00 for Issue Fee (\$1,400), Publication Fee (\$300) and 11 Patent Copies (\$33)
- ☒ Other: Further Notification of Litigation and copy of Order of Dismissal
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300

By:   
Name: Katherine M. DeVries Smith  
Reg. No.: 42,157  
KDeVriesSmith:PLSkaw



10/690,122

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	CLARK ET AL.	Examiner:	J. CHENG
Serial No.:	10/690,122	Group Art Unit:	3713
Filed:	OCTOBER 20, 2003	Docket No.:	1165.54USC4
Title:	DYNAMIC ON-LINE SCORING GUIDE AND METHOD		

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By:

Name: Kristine A. Wacek

FURTHER NOTIFICATION OF LITIGATION

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Dear Sir:

Applicants previously informed the US Patent & Trademark Office of litigation proceedings involving patents that are related to the pending application captioned above. Applicants hereby provide the US Patent & Trademark Office with an additional document related to the resolution of a litigation proceeding that was described in the previous Notification of Litigation.

Measurement Incorporated Litigation

The previous Notification of Litigation document described a "Current Measurement Incorporated Litigation" involving Measurement Incorporated, TMS, Inc., and VSC Technologies, LLC, in United States District Court for the Eastern District of North Carolina, and described how the patents in that suit were related to the patent application referenced above. This litigation has now ended, and the Order of Dismissal is submitted herewith. (See Order of Dismissal, June 7, 2005, Civil Action No. 5:02-CV-778-H(3), Eastern District of North Carolina Western Division, Measurement Incorporated et al. vs. NCS Pearson, Inc., attached.).

**Conclusion**

The Examiner is invited to contact Kate DeVries Smith at the number listed below with any questions about these litigation matters or to view any additional documents.

Respectfully submitted,

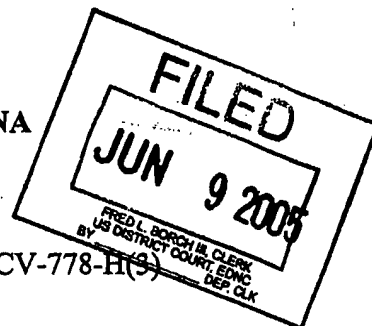
MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: Sept. 30, 2005

Kate DeVries Smith  
Katherine M. DeVries Smith  
Reg. No. 42,157  
KDS



UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION



MEASUREMENT INCORPORATED;  
TMS, INC. (authorized to do business in North  
Carolina under the name TMSSEQUOIA  
CORP.); and  
VSC TECHNOLOGIES, LLC,

Plaintiffs

v.

NCS PEARSON, INC.,

Defendant

CIVIL ACTION NO.: 5:02-CV-778-H(3)

ORDER OF DISMISSAL  
F.R.Civ.P.41(a)

This matter coming before the Court upon motion of Plaintiffs for entry of an order  
voluntarily dismissing the claims and counterclaims herein, and it appearing to the Court that  
good cause has been shown therefor,

IT IS ORDERED that this matter including all claims and counterclaims be entirely  
dismissed, and that each party shall bear its own costs.

This 7<sup>th</sup> day of June, 2005.

I certify the foregoing to be a true and correct  
copy of the original.  
Fred L. Borgh III, Clerk  
United States District Court  
Eastern District of North Carolina

By   
Deputy Clerk